

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
ST. JOSEPH DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**-vs-**

**Case No.: 08-06016-02-CR-SJ-HFS**

**ROBERT ARUNDALE,**

**Defendant.**

**USM Number: 12010-298**

Larry Pace, FPD  
818 Grand, Ste. 300  
Kansas City, MO 64106

**AMENDED JUDGMENT IN A CRIMINAL CASE**

**Date of Original or Last Amended Judgment:**      **June 2, 2011**

**Reason for Amendment:** Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)

\*\* Amended to reflect the deletion of the mandatory condition of probation regarding firearms \*\*

<u><b>Title &amp; Section</b></u>	<u><b>Nature of Offense</b></u>	<u><b>Date Offense Concluded</b></u>	<u><b>Count Number(s)</b></u>
33 U.S.C. 1319(c)(1)(A)	Negligently Violating Federal Pretreatment Standards Relating to Zinc and Nickel	10/12/06	1

The defendant is sentenced as provided in the following pages of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

Count(s) 7 and 8 are dismissed on the motion of the United States.

**IT IS ORDERED** that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Sentence: June 2, 2011

/s/Howard F. Sachs  
HOWARD F. SACHS  
SENIOR UNITED STATES DISTRICT JUDGE

June 10th, 2011

## PROBATION

The defendant is hereby placed on probation for a term of **5 years**.

While on probation, the defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court.

**\*\*The above mandatory drug testing condition is waived pursuant to 18 U.S.C. 3563(a)(5). \*\***

The defendant shall cooperate in the collection of DNA as directed by the probation officer.

If this judgment imposes a fine or restitution, it is a condition of supervision that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

## STANDARD CONDITIONS OF SUPERVISION

1. The defendant shall not leave the judicial district without the permission of the court or probation officer;
2. The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
3. The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4. The defendant shall support his or her dependents and meet other family responsibilities;
5. The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
6. The defendant shall notify the probation officer **at least ten (10) days prior** to any change in residence or employment;
7. The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
8. The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
9. The defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
10. The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
11. The defendant shall notify the probation officer within **seventy-two (72) hours** of being arrested or questioned by a law enforcement officer;
12. The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
13. As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the

defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

### **SPECIAL CONDITIONS OF PROBATION**

The defendant shall also comply with the following special conditions of probation:

1. The defendant shall pay any fine balance during the first **60 months** of supervision on the schedule set by the Court.
2. The defendant shall pay any restitution balance during the first **48 months** of supervision on the schedule set by the Court.
3. The defendant shall pay the United States **\$9,000** for attorneys fees and expenses on which judgment shall be entered, payable during probation on a schedule of \$50 per month.
4. The defendant shall provide the Probation Officer access to any requested financial information.
5. The defendant shall not incur new credit card charges or open additional lines of credit without the approval of the Probation Office.
6. The defendant, either as an individual or through a company, is restricted from operating any type of enterprise which conceivably involves the disposal, emission, and/or production of any chemical or element, or an enterprise which might otherwise contribute to environmental pollution.
7. The defendant shall submit his person, residence, office or vehicle to a search, conducted by a U.S. Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.

### **ACKNOWLEDGMENT OF CONDITIONS**

I have read or have had read to me the conditions of supervision set forth in this judgment and I fully understand them. I have been provided a copy of them.

I understand that upon finding of a violation of probation or supervised release, the Court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
United States Probation Officer

\_\_\_\_\_  
Date

## CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments set forth in the Schedule of Payments.

**Total Assessment**

**\$25.00**

**Total Fine**

**\$50,000**

**\*Total Restitution**

**\$4,000.00**

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

A fine of **\$50,000.00** is imposed. A lump sum payment of the full amount is ordered due immediately. If unable to pay the full amount immediately, the defendant shall make monthly payments of \$750.00, while on probation.

Since the Court finds that the defendant does not have the ability to pay interest, any interest is waived.

While a fine is still owed, the defendant shall notify the United States Attorney of any change of residence within 30 days.

Fine payments should be made jointly and severally with Oak Mill, Inc., Case No. 08-0616-01-CR-SJ-HFS.

It is further ordered that **\$4,000** in restitution is imposed. A lump sum payment of the full amount is ordered due immediately.

If unable to pay the full amount immediately, the defendant shall make monthly payments of \$100, while on probation.

Restitution shall be paid to the following person in the following amount: \$4,000

City of St. Joseph, Missouri  
ATTN: Ted Elo, Assistant City Attorney  
1100 Frederick Avenue, Room 307  
St. Joseph, MO 64501

All payments shall be made through:

Clerk of the Court  
United States District Court  
400 East 9th Street, Room 1150  
Kansas City, MO 64106

Since the Court finds that the defendant does not have the ability to pay interest, any interest is waived.

Restitution payments should be made jointly and severally with Oak Mill, Inc., Case No. 08-0616-01-CR-SJ-HFS.

The defendant shall notify, within 30 days, the Clerk of the Court and the United States Attorney's Office, Financial Litigation Unit, 400 East 9th Street, Room 5510, Kansas City, MO 64106 of: 1) any change of name, residence, or mailing address; and 2) any material change in economic circumstances that affects the ability to pay restitution.

All money paid by the defendant shall first be applied to satisfy the order of restitution.

It is further ordered that the defendant shall pay to the United States a special assessment of **\$25.00**, which shall be due immediately.

Note: Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.